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Gp 2121\$

PATENT 26

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Scarborough et al.

Application No. 09/921,993

Filed: August 2, 2001 Confirmation No. 6882

For: DEVELOPMENT OF ELECTRONIC

EMPLOYEE SELECTION SYSTEMS AND

METHODS

Examiner: George B. Davis

Art Unit: 2121

Attorney Reference No. 5437-60780-01

COMMISSIONER FOR PATENTS P.O. BOX 1450 ALEXANDRIA, VA 22313-1450

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Attorney

for Applicant(s)

Date Mailed November 4, 2004

INFORMATION DISCLOSURE STATEMENT PURSUANT TO 37 C.F.R. § 1.97(c)

Listed on the accompanying form PTO-1449 and enclosed herewith are several English-language documents. Applicants respectfully request that these documents be listed as references cited on the issued patent. This Information Disclosure Statement ("IDS") is being mailed before Applicants received a final action, a notice of allowance, or an action that otherwise closes prosecution in the referenced application.

Copies of United States patents and United States published patent applications do not have to be provided to the Patent Office (37 C.F.R. 1.98(a)(2)(ii)). Copies of unpublished U.S. applications do not have to be provided, as long as the application is available on PAIR, as this requirement of 37 C.F.R. § 1.98(a)(2)(iii) has been waived by the United States Patent and Trademark Office pursuant to the Official Gazette Notice on October 19, 2004 (1287 OG 163). Applicants will provide copies of such patents or applications upon request.

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Submitted herewith is a check for \$180.00 as required by 37 C.F.R. § 1.17(p) for filing this IDS in compliance with 1.97(c).

Please charge any additional fees which may be required in connection with filing this IDS, or credit any overpayment, to Deposit Account No. 02-4550. A duplicate copy of this sheet is enclosed.

The filing of this IDS shall not be construed to be an admission that the information cited in the statement is, or is considered to be, prior art or otherwise material to patentability as defined in 37 C.F.R. §1.56.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By

Gregory L. Maurer Registration No. 43,781

One World Trade Center, Suite 1600 121 S.W. Salmon Street

Portland, Oregon 97204

Telephone: (503) 595-5300 Facsimile: (503) 228-9446

cc: Docketing



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TRANSMITTAL LETTER

Enclosed for filing in the application referenced above are the following:

- \boxtimes Information Disclosure Statement
 - Form 1449 and references cited thereon
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Respectfully submitted,

KLARQUIST SPARKMAN, LLP

One World Trade Center, Suite 1600

121 SW Salmon Street Portland, Oregon 97204

Telephone: (503) 226-7391 Facsimile: (503) 228-9446

Docketing

Registration No. 43,781

cc:

INFORMATION DESCLOSURE STATEMENT BY APPLIES

Attorney Docket Number 5437-60780-01 Application Number 09/921,993 Filing Date August 2, 2001 First Named Inventor Chambless 2121 Art Unit **Examiner Name** George B. Davis

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U.S. PATENT DOCUMENTS

NOTE: This application was filed after June 30, 2003, copies of United States patents and United States published patent applications do not have to be provided Patent Office. This requirement of 37 C.F.R. § 1.98(a)(2)(i) has been waived by the United States Patent and Trademark Office. Patent Office. This requirement of 37 C.F.R. § 1.98(a)(2)(i) has been waived by the United States Patent and Trademark Office pursuant to the Official Gazette Notice on August 5, 2003 (1276 OG 55).

Examiner's Initials*	Cite No. (optional)	Number	Publication or Issue Date	Name of Applicant or Patentee	
		5,722,418	March 3, 1998	Bro	
		5,980,096	November 9, 1999	Thalhammer-Reyero	
		2001/0031457 A1	October 18, 2001	Pfenninger et al.	
		6,311,641 B1	October 30, 2001	Ogden	
		2001/0042000 A1	November 15, 2001	Defoor, Jr.	
		2002/0019940 A1	February 14, 2002	Matteson et al.	
		6,466,914 B2	October 15, 2002	Mitsuoka et al.	
		6,493,723	December 10, 2002	Busche	
		6,681,098 B2	January 20, 2004	Pfenninger et al.	
Examiner's Initials*	Cite No. (optional)	OTHER DOCUMENTS			
		"ASSESS Expert System/Bigby, Havis & Associates, Inc.," page archived from			
		www.bigby.com website, 2 pages, May 7, 1999. "assesspreview: ASSESS User Site Instructions," page archived from www.bigby.com website, 1 page, October 12, 2000.			
	"assesspreview: History of ASSESS," page archived from www.bigby.com page, October 11, 1999. "assesspreview: Welcome to the ASSESS Internet Online Preview," page www.bigby.com website, 1 page, May 8, 1999.			from www.bigby.com website, 1	
				nline Preview," page archived from	

EXAMINER	DATE
SIGNATURE:	CONSIDERED:

^{*} Examiner: Initial if reference considered, whether or not in conformance with MPEP 609. Draw line through cite if not in conformance and not considered. Include copy of this form with next communication to applicant.

	Attorney Docket Number	5437-60780-01	
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BY APPLICANT	First Named Inventor	Chambless	
(NOV 0 8 2004 LL)	Art Unit	2121	
\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\	Examiner Name	George B. Davis	
"assesspreview: What is ASSESS?," October 11, 1999.			
"Custom Job Center," DecisionPoint provided to potential customers by I Unicru, Inc.), before January 2000.			
"DDI Launches Tech Spin-Off Targ AdvantageHiring.com, http://www.a pages, September 17, 1999.	_	-	
DecisionPoint Systems HirePro TM ac by Decision Point Systems (predeces	echnology That Gives You A Competitive Advantage," advertisement, 2 pages, provided to potential customers essor company of Unicru, Inc.), before January 2000.		
"DecisionPoint Systems - Imagine B Application, Skills Test, Background Process." DecisionPoint Systems ad- by Decision Point Systems (predeces "Facts About DDI: Who We Are, W Inc., http://www.ddiworld.com/abou	d Checks and Tax Credit Pap vertisement, 4 pages, provide ssor company of Unicru, Inc. hat We Do," Development D	erwork Into One Simple ed to potential customers), before January 2000. Dimensions International,	
"Highlights, The Bigby, Havis News archived from www.bigby.com webs	2, 2004. "Highlights, The Bigby, Havis Newsletter: How Our Clients Use ASSESS," page archived from www.bigby.com website, 1 page, October 8, 1999.		
	"HirePro.com - The Technology to Select The Ideal Employee Is Now Online,"		
DecisionPoint Systems HirePro.com advertisement, 2 pages, provided to potential customers by Decision Point Systems (predecessor company of Unicru, Inc.), before January 2000.			
"HirePro™ - Automated Hiring System," DecisionPoint Systems HirePro™ advertisement, 2 pages, provided to potential customers by Decision Point Systems (predecessor company of Unicru, Inc.), before January 2000.			
"HirePro™ Assessments - Application Systems Assessment Series advertised Decision Point Systems (predecessor	ement, 2 pages, provided to proceed to proceed to company of Unicru, Inc.), b	potential customers by before January 2000.	
"HirePro TM ," DecisionPoint Systems potential customers by Decision Point before January 2000.	nt Systems (predecessor com	pany of Unicru, Inc.),	
"HirePro TM ," Retail Direct Mail Piec Decision Point Systems (predecessor			

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(NOV 0 8 2004 E	Art Unit	2121	
LE RES	Examiner Name	George B. Davis	
"How Do You Stack Up Next to Tra	uning's New Guard?"		
http://web.archive.org/web/1999101	_	guard/index.htm,	
Development Dimensions Internation			
"November 18, 1997: More Firms R	ecruit Via the Internet," The Boston Globe, 2 pages,		
November 14, 1997.			
"Online Recruiting Strategist," Hunt			
	ves/2000/jan.htm, 8 pages, January 2000.		
"PR Newswire: TekMetrics Help ED	-		
	en&q=cache%3Awww.findarticles.com%2Fcf_dls%2		
29, 1999.	4502514%2Fpl%2Farticle.jhtml PR Newswire, April		
	da 2 Dadicio Baird Dada (condi		
1 7 •	ork," Decision Point Data (predecessor company of		
Unicru, Inc.), mailed to prospective customers, 6 pages, 1997. "ReportView TM - Closed Loop Reporting for HirePro TM ," DecisionPoint Systems ReportView TM advertisement, 4 pages, provided to potential customers by Decision P			
			Systems (predecessor company of Unicru, Inc.), before January 2000.
	"Saville & Holdsworth, Human Resource Consulting: ApView™ Net," page archived from www.shlusa.com website, 2 pages, April 29, 1999. "SHL Aspen Tree Software - Solutions for Employee Selection," page archived from		
	www.aspentree.com website, 1 page, December 1, 1998.		
1 - 1 - 7	"SHL-HR Support Tools, Analytical Process, Decision-Support Tech," page archived		
from www.shlusa.com website, 1 pa			
"Solutions for Managers, Profession	1 , 1 0	rchived from	
www.bigby.com website, 2 pages, F		1 100 1 5 06 5	
Bylinsky, et al., "Computers That Le	earn by Doing," Fortune, Vo	1. 128, Issue 5, p96, 5p,	
14c, 7 pages, September 6, 1993. Glatzer, "Neural Networks Take on Real-World Problems," (Abstract)		street) Computer World	
v26, n32, p21(1), 1 page, August 10,	•	stract) Computer Worth,	
Goodwin, "As Job Seekers Turn to N		er Weekly, n6(1)	
February 4, 1999.	(=====================================	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	
Lawton, "Genetic Algorithms for Sc	hedule Optimization," (Cove	er Story) AI Expert, v7,	
n5, p22(6), 7 pages, May 1992.			
Scarborough, "Decision Point System	· · · · · · · · · · · · · · · · · · ·		
or fewer copies left with potential cu	istomer, Wilsonville, Oregon	, before June 2000.	

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			Art Unit	2121
			Examiner Name	George B. Davis
	e c	Scarborough, " <i>DPD</i> Neurotech TM ," Power Point Presentation given to prospective employer Decision Point Data (predecessor company of Unicru, Inc.) 32 pages, electronic copy provided to Decision Point Data., December 1998.		
		Scarborough, "Welcome, Portland State University," Presentation to about 15 people, Portland, Oregon, 20 pages, before May 2000.		
	S	Schwartz, "Where Neural Networks are Already at Work: Putting AI to Work in the Markets," (Abstract) <i>Business Week</i> , n3291, p136(2), 1 page, November 2, 1992. Shannon, "A Mathematical Theory of Communication," Reprinted with corrections from		
	I	The Bell System Technical Journa October, 1948.	<i>l</i> , Vol. 27, pp. 379-423, 623-65	56, 55 pages, July,
i				
				

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